

Message

From: Miller, Anna [miller.anna@epa.gov]
Sent: 2/22/2019 7:54:06 PM
To: Westlake, Kenneth [westlake.kenneth@epa.gov]; Pierard, Kevin [pierard.kevin@epa.gov]; Holst, Linda [holst.linda@epa.gov]
CC: Bauer, Candice [bauer.candice@epa.gov]; Wester, Barbara [wester.barbara@epa.gov]; McKim, Krista [mckim.krista@epa.gov]; Sedlacek, Michael [Sedlacek.Michael@epa.gov]
Subject: RE: NorthMet/PolyMet - Interactions with MPCA from 2005 through 2011

These are EIS-related meetings; in general, the meetings/intersections below were called by or led by the Army Corps of Engineers:

- 2005:** multi-agency meeting in Minnesota (February 2005);
 multi-agency trip to site (June 2005);
 Review and comment on Draft and Final Scoping Decision Document (for EIS)
- 2006:** Multi-Agency Meeting with federal, state, tribal agencies (Duluth, June 2006)
- 2007:** Multi-agency meeting on NorthMet mine plan and EIS development (January 2007);
 Received for Corps technical documents supporting environmental review, including draft wetlands chapters of Draft EIS (September 2007)
- 2008:** Corps, EPA, Tribal conference call (April 2008);
 Coordination meeting with USACE, State agencies, contractors, in part re: NorthMet (December 2008),
 Review preliminary Draft EIS (December 2008)
- 2009:** Review of another preliminary Draft EIS (August 2009)
- 2010:** Review/rating of Draft EIS (Feb 2010);
 EPA/PolyMet meeting at company's request to RA (March 2010);
 Multi-agency meeting (April 2010);
 Site visit (September 2010);
 Multi-agency meeting with tribes (December 2010);
 numerous multi-agency/contractor conference calls on specific technical aspects (April 2010 – on)

From: Westlake, Kenneth
Sent: Friday, February 22, 2019 12:49 PM
To: Pierard, Kevin <pierard.kevin@epa.gov>; Holst, Linda <holst.linda@epa.gov>
Cc: Bauer, Candice <bauer.candice@epa.gov>; Wester, Barbara <wester.barbara@epa.gov>; McKim, Krista <mckim.krista@epa.gov>; Sedlacek, Michael <Sedlacek.Michael@epa.gov>; Miller, Anna <miller.anna@epa.gov>
Subject: RE: NorthMet/PolyMet - Interactions with MPCA from 2005 through 2011

Kevin, the only revision I'd offer, just because it's a date that will live in Region 5 NEPA lore, if not infamy, is that our DEIS comment letter was on February 18, 2010, and was an EU-3 (Environmentally Unsatisfactory, Inadequate EIS), the most severe rating EPA could give an EIS.

Ken

From: Pierard, Kevin
Sent: Friday, February 22, 2019 12:08 PM
To: Holst, Linda <holst.linda@epa.gov>
Cc: Bauer, Candice <bauer.candice@epa.gov>; Wester, Barbara <wester.barbara@epa.gov>; McKim, Krista <mckim.krista@epa.gov>; Westlake, Kenneth <westlake.kenneth@epa.gov>
Subject: RE: Northmet/Polymet - Interactions with MPCA from 2005 through 2011

Based on a quick review:

May 4 2009 – coordination call with the COE and Mn agencies on mitigation strategies – NEPA EIS review

Jan 21, 2010 – EU2 rating

June 7, 2010 – Polymet meeting with DNR and COE re: 404

Oct 20, 2010 – Polymet call with Ann Foss – KP, Linda H., Tim H., Peter S., Tinka

Oct 20, 2010 – message from Tinka PCA asked EPA not to release WR papers until we discuss comments and PCA agreed to end of pipe 1.3ng/L limits for mercury

Nov. 10, 2010 – News article – PCA “cozy” relationship with mining industry – permits awarded with a wink and a nod

Dec. 1, 2010 – Conf call with Ann Foss re: polymet and WR

Feb. 7, 2011 – Conf call with Rebecca Flood

Nov. 14, 2011 – Conf call on polymet with Ann Foss

April 11, 2011 – Polymet conf call with PCA – focused on subsurface discharge to SW and termination of Cliffs Erie permit

April 27, 2011 – Polymet conference call with PCA – focused on sulfate discharge, discussion of Area 5 contributions to sulfate loading at 1,000mg/L and state CD to remediate and achieve 10 mg/L in about 9 years.

Sept. 23, 2011 – Conf. call with enviros regarding lack of regulatory rigor in PCA permitting and EPA oversight responsibility

December 2011 – began regular monthly mining calls with PCA

December 2, 2011 – tribal consultation call with lead agencies on EIS and permitting issues

It was evident during this timeframe we were more heavily involved in Ohio coal, Minntac, Keetac, Mesabi Nugget, and DPL.

From: Holst, Linda

Sent: Friday, February 22, 2019 10:46 AM

To: Pierard, Kevin <pierard.kevin@epa.gov>

Subject: FW: Northmet/Polymet - Interactions with MPCA from 2005 through 2011

Can you get me a summary of the permit discussions with the state between 2005 and 2011?

From: Pierard, Kevin

Sent: Thursday, February 21, 2019 2:56 PM

To: Holst, Linda <holst.linda@epa.gov>

Subject: Re: Northmet/Polymet - Interactions with MPCA from 2005 through 2011

Is there any word on an IG investigation or a decision on the FOIA?

Sent from my iPhone

On Feb 21, 2019, at 1:38 PM, Holst, Linda <holst.linda@epa.gov> wrote:

Kurt Thiede has asked for information from us regarding interactions EPA has had with MPCA on PolyMet between 2005 and 2011. He doesn't need detailed dates of meetings...he's trying to understand when we were engaged in the various processes (e.g., EIS, permitting), and what our involvement has been with the State.

Can you give me a summary regarding discussions with MPCA on wetlands issues, EIS issues, NPDES issues? Again, he doesn't need a blow by blow with dates, but a summary of our interactions ... about how many (once a month, once q quarter) and what the gist of our conversations. Thanks.

Linda Holst | Acting Director, Water Division| U.S. EPA Region 5, 77 West Jackson Blvd., W-15J, Chicago,
IL 60604 | Ph. (312) 886-6758 | holst.linda@epa.gov